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 6 AC SQUARE, INC., AFSHIN GHANEH,
 ANDREW BAHMANYAR

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 8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 SAN FRANCISCO DIVISION

11 DANIEL KEATING-TRAYNOR on
 behalf of himself and all others similarly
 12 situated,

13 Plaintiff,

14 v.

15 AC SQUARE, INC.; COMCAST INC.;
 AFSHIN GHANEH; ANDREW
 16 BAHMANYAR; and DOES 1 THROUGH
 60, inclusive,

17 Defendant.

18 Case No. CV-08-3035-EDL

**[CALIFORNIA ACTION NO. CIV 464144
CONSOLIDATED BY ORDER OF
COURT WITH CIV 473571]**

**[PROPOSED] ORDER GRANTING
 DEFENDANT AFSHIN GHANEH'S
 MOTION TO DISMISS**

Date: August 19, 2008
 Time: 9:30 a.m.
 Dept: Courtroom E, 15th Floor
 Judge: Honorable Magistrate Judge
 Elizabeth D. Laporte

20 Defendant Afshin Ghaneh's Motion to Dismiss Plaintiff's first, second, third, fourth and fifth
 21 causes of action from Plaintiff's Complaint, action number CV-08-3025-EDL came on regularly for
 22 hearing before this Court on August 19, 2008. Ronald A. Peters, Esq. appeared as attorney for
 23 defendant, Afshin Ghaneh. Daniel Berko appeared as attorney for plaintiff, Daniel Keating-Traynor.
 24 After considering the moving papers, the papers submitted in opposition to the motion, the papers
 25 submitted in reply to the opposition, arguments of counsel and all other matters presented to the
 26 Court, IT IS HEREBY ORDERED THAT, the motion is GRANTED. Plaintiff's first cause of
 27 action for "Conspiracy to Violate Business and Professions Code § 17200" is dismissed as it fails to
 28 state facts sufficient to constitute a cause of action against Afshin Ghaneh; Plaintiff's second cause

1 of action for "Violation of Fair Labor Standard Act" is dismissed as it fails to state facts sufficient to
2 constitute a cause of action against defendant Afshin Ghaneh; Plaintiff's third cause of action for
3 "Conspiracy to Violate the Fair Labor Standard Act" is dismissed as it fails to state facts sufficient to
4 constitute a cause of action against defendant Afshin Ghaneh; Plaintiff's fourth cause of action for
5 "Failure to Pay Monies Due at Termination of Employment" is dismissed as it fails to state facts
6 sufficient to constitute a cause of action against defendant Afshin Ghaneh; Plaintiff's fifth cause of
7 action for "Conspiracy to Violate [California] Labor Code Section 558" is dismissed as it fails to
8 state facts sufficient to constitute a cause of action against defendant Afshin Ghaneh.

9 Dated: _____

10 Honorable Magistrate Judge Elizabeth D. Laporte

11 Firmwide:85790383.1 047098.1008